

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JAMES KEENEY,

Plaintiff,

v.

CIVIL ACTION NO. 3:12-1922

CABELL COUNTY PROSECUTING ATTORNEY'S
OFFICE; WESTERN REGIONAL JAIL AUTHORITY;
MIKE CLARK, Administrator, Western Regional Jail;
CABEL COUNTY SHERIFF'S DEPARTMENT,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's Complaint be dismissed, without prejudice; Plaintiff's Application to Proceed Without Prepayment of Fees and Costs be denied; and this case be removed from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Plaintiff's Complaint be **DISMISSED**, without prejudice; Plaintiff's Application to Proceed Without Prepayment of Fees and Costs be **DENIED**; and this case be removed from the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 21, 2012

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE